

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

IN THE MATTER OF:

Discharges of Waste from Individual
or Community Sewage Disposal
Systems in the Los Osos/Baywood
Park Prohibition Zone
(CCRWQCB Resolution No. 83-13,
Basin Plan p. IV-67)

Proposed Cease and Desist Orders
Nos. R3-2006-1001 - R3-2006-1050
(Section 13301 of the Water Code.)

ORDER OF PROCEEDINGS

**CONSOLIDATED PROCEEDINGS FOR ALL CEASE AND DESIST ORDERS
April 28, 2006 Hearing**

Begin Hearing at 10am

1. Consideration of Preliminary Procedural Matters (e.g., Objections to Documents Submitted by Parties; Estimated Time: 0.5 hours)

NOTE: All of the evidence and comments presented in Items 2 through 5 will be incorporated automatically into the record that will be considered for each individual Cease and Desist Order action.

2. Non-Evidentiary Comment by Government Agencies (5 minutes each) and Interested Persons (2 minutes each as stated in the Revised Hearing Notice and Pre-Hearing Order of 2/28/06; Total Estimated Time: 1.5 hours)

3. Presentation of Evidence by Water Board Prosecution Staff (Estimated time: 1 hour)¹

Lunch Break at approximately 1:00 p.m. (1 hour)

4. Presentation of Evidence by Los Osos CSD² (Estimated time: 2 hours)

NOTE: All of the evidence and comments up to this point will be incorporated automatically into the record to be considered for each Proposed Cease and Desist Order.

¹ Estimated times set forth in the Order of Proceedings are intended to reflect anticipated limits for the respective presentations and are subject to limitation or extension by the Chair upon a showing of good cause.

² Documentation relevant to all, or several, properties that may be subject to individual Cease and Desist Orders should be presented at this time; the Chair will consider requests by parties other than LOCSO to present general evidence relevant to multiple properties at this time.

INDIVIDUAL PROCEEDINGS FOR EACH PROPOSED CEASE AND DESIST ORDER

NOTE: Except as provided below, all of the evidence and comments from this point onward will be applicable only to each individual Cease and Desist Order action in the individual Cease and Desist Order proceeding in which it was, or will be, presented. Any person named in a proposed Cease and Desist Order may, upon a showing of property-specific relevance and materiality and with the approval of the Chair, incorporate by reference any testimony offered by other persons named in proposed Cease and Desist Orders.

NOTE: The following process will be repeated for each proposed Cease and Desist Order.

5. Proceedings on Proposed Cease and Desist Order No. R3-2006-1001, 1002, 1003, 1004..., 1050.

- a. Presentation of property-specific evidence of violation(s) and need for Cease and Desist Order by Prosecution Staff (Estimated time: 15 minutes each)
- b. Presentation of property-specific evidence by individual property owners or tenants [Estimated Time: 15 minutes each. Individuals named in proposed Cease and Desist Orders will be encouraged to incorporate testimony from other individual proceedings that is relevant and material to the individual proceedings into the record of such individual proceedings in order to expedite the hearing process (*i.e.*, do not repeat testimony from other parties)]
- c. Cross-examination by designated parties
- d. Rebuttal testimony by designated parties
- e. Closing Arguments
 - i. By Water Board Prosecution Staff
 - ii. By Los Osos CSD
 - iii. By Individuals named in Proposed Cease and Desist Order
- f. Board Deliberation and Consideration of Proposed Cease and Desist Order

ISSUES:

1. Are persons who own or occupy each property (*i.e.*, the persons named in the proposed Cease and Desist Orders) discharging or threatening to discharge in violation of the Los Osos/Baywood Park prohibition in the Basin Plan?
2. Is the requirement for pumping or equivalent corrective action in each proposed Cease and Desist Order the appropriate remedy for violations of the prohibition? Specific circumstances of each discharge are relevant only to the remedy the board may adopt if the board finds that violations are taking place or are threatening to take place.

NOTICE:

The validity of the discharge prohibition applicable to persons discharging to individual or community disposal systems within the Los Osos/Baywood Park prohibition zone is not an issue that is before the Regional Water Board in these proceedings; nor is it susceptible to collateral challenge through these proceedings, or in any petition for review of these proceedings. The Chair will not permit any party to present evidence or argument that challenges the validity of the Los Osos/Baywood Park prohibition.

Parties named in individual Cease and Desist Orders are expected to attend the hearing and summarize their written testimony as described above. If a party does not attend the hearing, the hearing will proceed *in absentia* and the Water Board will rely on written testimony from the absentee party. If any party encounters actual circumstances that prevent the party from attending the scheduled hearing, it is the party's responsibility to contact the Water Board as soon as possible to seek a continuance and provide substantial justification of prejudice to the party as a result of the party's absence from the hearing. If a party is unable to attend and requests a continuance, the Water Board will consider the request when deciding whether or not to adopt the proposed Cease and Desist Order for the absent party. There is no guarantee that the Water Board will grant a continuance. If a party does not attend the hearing, and does not receive a continuance, the party will be in default and will be deemed to have waived the right to testify at the hearing.

If you have questions, please contact Michael Thomas at 805-542-4623.

Jeffrey Young, Chairman
Central Coast Water Board